

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CHRISTOPHER PAUL CONLIN,)	
)	
Plaintiff,)	CIVIL ACTION NO. 04-12600 NMG
)	
v.)	
)	
EQUIFAX CORPORATION,)	
)	
Defendant.)	

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC'S
ANSWER AND AFFIRMATIVE DEFENSES**

COMES NOW Defendant Equifax information Services LLC, improperly named in Plaintiff's Complaint as Equifax Corporation, ("Equifax"), by counsel and for its answer and affirmative defenses to the Complaint, states as follows:

1. Defendant Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of Plaintiff's Complaint.
2. Defendant Equifax admits the allegations contained in Paragraph 2 of Plaintiffs' Complaint.
3. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of Plaintiff's Complaint.
4. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of Plaintiff's Complaint.
5. Defendant Equifax denies the allegations contained in Paragraph 5 of Plaintiffs' Complaint.

6. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. Defendant Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. Defendant Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Defendant Equifax denies the allegations contained in Paragraph 10 of Plaintiffs' Complaint.

11. Any allegations not heretofore responded to by Defendant Equifax are hereby denied.

12. Defendant Equifax denies that Plaintiff is entitled to any of the relief set forth in his unnumbered prayer for relief.

FIRST AFFIRMATIVE DEFENSE

As a defense, Equifax asserts that Plaintiff's Complaint fails to state a claim against Equifax upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

As a defense, Equifax asserts that applicable statutes of limitation may bar part or all of Plaintiff's claims.

THIRD AFFIRMATIVE DEFENSE

At all times relevant herein, Equifax maintained reasonable procedures in its handling of Plaintiff's consumer credit files.

FOURTH AFFIRMATIVE DEFENSE

Equifax has acted in good faith and without malice or intent to injure Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

Equifax's publication of information about Plaintiff, if any, was privileged and justified.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrines of estoppel and waiver.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by his own contributory negligence.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate his damages.

NINTH AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims are pre-empted by the Fair Credit Reporting Act, 15 U.S.C. § 1681h(e).

TENTH AFFIRMATIVE DEFENSE

To the extent that Plaintiff's Complaint seeks the imposition of punitive damages. Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: BMW v. Gore, 517 U.S. 559 (1996); Cooper Indus., Inc. v.

Leatherman Tool Group, Inc., 532 U.S. 923 (2001) and State Farm v. Campbell, 538 U.S. 408 (2003).

ELEVENTH AFFIRMATIVE DEFENSE

Injunctive relief is not available under the FCRA.

WHEREFORE, Equifax requests that this action be dismissed and that Equifax be awarded its costs and attorneys' fees.

Respectfully submitted this 26th day of July, 2005.

By: /s/ David B. Wilson
David B. Wilson, Esq.
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108-4404
617-557-5935

Of Counsel:
David A. Cox, Esq.
GA Bar No. 192381
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
404-815-6402 - Telephone
404-541-4740 - Facsimile

Attorneys for Defendant Equifax
Information Services LLC

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of this ANSWER AND
AFFIRMATIVE DEFENSES OF DEFENDANT EQUIFAX INFORMATION
SERVICES LLC upon counsel of record by depositing same in the United States mail,
with sufficient postage thereon to insure delivery, and addressed as follows:

Christopher Paul Conlin
3 Lynn Street
Apartment 2 F
Fitchburg, MA 01420

Plaintiff Pro Se

This 26th day of July, 2005.

/s/ David B. Wilson